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SENATE JOINT RESOLUTION NO. 327
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Rules
 on February 5, 2001)

(Patron Prior to Substitute—Senator Miller, Y. B.)

Establishing a joint subcommittee to study the effects of attention deficit disorder and attention deficit hyperactivity disorder on student academic performance and on public education programs and services.

WHEREAS, Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD), the most commonly diagnosed behavioral disorder of childhood, is a neurobiological disability characterized by developmentally inappropriate levels of attention, concentration, activity, distractibility, and impulsivity, and in some cases, hyperactivity, that affects three to five percent of school-age children, or 1.35 to 2.25 million children, and approximately two to four percent of adults; and

WHEREAS, the causes of ADD/ADHD are unknown; however, scientific evidence suggests that the disorder may be genetically transmitted or result from a chemical imbalance or deficiency in certain neurotransmitters that help the brain regulate behavior, and that other medical conditions, medication side effects, familial functioning, or toxicity and environmental conditions may exacerbate an existing disorder or contribute to the development of ADD/ADHD symptoms and problems in some children; and

WHEREAS, children with ADD/ADHD generally have functional impairment across multiple settings, including home, school, and peer relationships, and ADD/ADHD may have long-term adverse effects on the academic performance, vocational success, and social-emotional development of children; and

WHEREAS, diagnosis and treatment of the disorder has generated considerable controversy, and parents, clinicians, researchers, educators, and policymakers have diverse and conflicting opinions concerning this disability, including disagreement as to the use of psychostimulants such as Ritalin to treat the condition; and

WHEREAS, the challenge to teachers and parents is to help children with ADD/ADHD improve attention and social skills, control impulsivity and hyperactivity, develop positive self-esteem, and enhance perceptual and conceptual skills; and

WHEREAS, the ability to concentrate and focus is essential to learning and school success, and children with ADD/ADHD need assistance to finish work once started, may require direct instruction and supervised remediation, as well as help in modeling appropriate self-control, reinforcement of acquired skills to sustain progress, and opportunities to experience success; and

WHEREAS, the Individuals with Disabilities Education Act, P. L. 101-17, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Virginia special education laws and regulations entitle children with ADD/ADHD to a free appropriate public education and appropriate related services, whether such children are placed in the regular or special education program; and

WHEREAS, increased coordination, collaboration, and consultation among regular and special education teachers, administrators, school psychologists, school nurses, and other school personnel assigned to special education programs are required to provide needed services; and

WHEREAS, regular and special education teachers and other school personnel must be trained to identify children with ADD/ADHD, as certain characteristics are shared between children with ADD/ADHD and children who are gifted, making it very difficult for the untrained eye to distinguish between the exceptionalities; and

WHEREAS, teachers must use different instructional methodologies and provide certain adaptations in the classroom to meet the educational needs of children with ADD/ADHD, and providing for their unique educational needs becomes more difficult when these children have dual exceptionalities, such as other chronic or acute health problems, a learning disability, or giftedness; and

WHEREAS, children with ADD/ADHD often demonstrate poor academic performance, and there is great concern that the manifestations of the disorder, together with the effects of medication, and other school and home factors, may produce negative consequences and poor educational outcomes for these children; and

WHEREAS, although children with this disorder present significant challenges to public schools and the educational system, including the delivery of required health services, it is important that the educational, health, and social needs of these children be addressed, and the impact on public schools and the ability of the educational system to meet their needs be evaluated; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the effects of attention deficit disorder and attention deficit hyperactivity disorder on

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60 student academic performance and on public education programs and services. The joint subcommittee
61 shall consist of seven legislative members to be appointed as follows: three members of the Senate, to
62 be appointed by the Senate Committee on Privileges and Elections; and four members of the House of
63 Delegates, to be appointed by the Speaker in accordance with the principles of proportional
64 representation contained in the Rules of the House of Delegates.

65 In conducting the study, the joint subcommittee shall (i) determine the number of students diagnosed
66 as having ADD/ADHD in Virginia's public schools, and whether such children receive treatment; (ii)
67 ascertain whether such students also have dual exceptionalities or chronic and acute health problems, and
68 the demand created by these conditions for certain school services; (iii) determine the academic
69 performance levels of such children; (iv) identify other educational, social, and health factors that may
70 compromise their academic performance and educational outcomes; (v) identify school practices to
71 manage, the methods used to treat, and the medications prescribed for and dispensed to ADD/ADHD
72 students in the school setting for their disorder; (vi) evaluate the special education programs and related
73 services provided or which may be provided to meet the needs of such students; (vii) assess the demand
74 for and effectiveness of existing education programs and related services, including school health
75 services, by ADD/ADHD students; (viii) evaluate the effect of ADD/ADHD on grade retention,
76 absenteeism, school suspension and expulsion, and disciplinary action taken by public schools; (ix)
77 consider such other related matters; (x) and make appropriate recommendations that address identified
78 problems and allow public schools to serve such children efficiently and effectively.

79 The direct costs of this study shall not exceed \$8,750.

80 The Division of Legislative Services shall provide staff support for the study. Technical assistance
81 shall be provided by the Departments of Education, Mental Health, Mental Retardation and Substance
82 Abuse Services, and Health Professions. All agencies of the Commonwealth shall provide assistance to
83 the joint subcommittee as requested for this study.

84 The joint subcommittee shall complete its work in time to submit its written findings and
85 recommendations by October 20, 2001, to the Governor and the 2002 Session of the General Assembly
86 as provided in the procedures of the Division of Legislative Automated Systems for the processing of
87 legislative documents.

88 Implementation of this resolution is subject to subsequent approval and certification by the Joint
89 Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the
90 study.